Application No.: 09/811,994
Amendment Dated: March 29, 2006
Reply to Office Action of: December 29, 2005

REMARKS

Claims 1-23 are pending in the application. Applicant has amended claims 1, 8, 13, 21 and 23. In view of the foregoing amendments and remarks urged here, Applicant respectfully requests that the Examiner reconsider all outstanding rejections.

ClaimRejections–35U.S.C.§102

The Examiner has rejected claims 1, 6-7, 13, 19-21 and 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,651,101 to Gai et al. ("Gai").

Applicants have amended claims 1, 13, 21 and 23 to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular, claim 1 has been amended to recite that the sending application on a first computer system passing data having a first data type to a utility program and that the first utility program selects a transport mechanism to transmit the information packet to a second computer system where the transport mechanism is transparent to the sending application. Claim 13 has been amended to recite that the sending application on a first computer system passes data having a first data type to a utility program and wherein the first utility program selects a transport mechanism to transmit the information packet to a second computer system where the transport mechanism is transparent to the sending application. Claim 21 has been amended to recite that the method of communicating between a source application and a destination application includes the step of passing data by the sending application and wherein the first utility program selects a transport mechanism to transmit the information packet to a second computer system. Claim 23 has been amended to recite that the sending application passes data to a utility program and that the utility program selects a transport mechanism to transmit the information packet to a second computer system.

The present invention, as recited in claims 1, 13, 21 and 23, is directed to a method and system for transporting data between two computer systems, where a utility program adds a token, a data category type identifier and a data type identifier to the data to form a packet. The packet is then transferred to the second computer system through a transport mechanism selected by the utility program and the transport mechanism is transparent to the sending program.

By contrast, Gai is directed to a method for applying traffic flow controls to traffic originating from a certain network entity. Gai teaches that the application level parameters (i.e. parameters set by the underlying sending program) includes:

> ... a whole range of information relating to different aspects of the traffic flow from the application program 224. For example, application-level parameters include such information as user name (e.g., John Smith), user department (e.g., engineering, accounting, marketing, etc.), application name (e.g., SAP R/3, PeopleSoft, etc.), application module (e.g., SAP R/3 accounting form, SAP R/3 order entry form, etc.), transaction type (e.g., print), sub-transaction type (e.g., print on HP Laser Jet Printer), transaction name (e.g., print monthly sales report), sub-transaction name (e.g., print monthly sales report on A4 paper), application state (e.g., normal mode, critical mode, primary mode, back-up mode, etc.). For a video streaming application, the application-level parameters might include user name, film name, film compression method, film priority, optimal bandwidth, etc. Similarly, for a voice over IP application, the application-level parameters may include calling party, called party, compression method, service level of calling party (e.g., gold, silver, bronze), etc. Gai column 10 lines 8-27.

These application level parameters essentially set the transport mechanism by which the data from a network entity is transmitted to other network entities. Therefore, Gai fails to teach or suggest a utility program selecting a "transport mechanism to transmit said information packet to a second computer system, said transport mechanism transparent to the sending application."

Since the cited reference does not disclose each and every limitation of claims 1, 13, 21 and 23, Applicant respectfully submits that claims 1, 13, 21 and 23 are allowable over the cited reference. Claims 6-7 and 19-20, by their dependency on claims 1 and 13 respectively, are similarly allowable.

Claim Rejections – 35 U.S.C. §103

The Examiner has rejected claims 2-5, 8-12, 14-18 and 22 under 35 U.S.C. § 103 as being unpatentable over Gai in view of U.S. Patent No. 6,654,786 to Fox et al. ("Fox").

Applicant has amended claims 1, 8, 13 and 21 to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular, claim 1 has been amended to recite that the sending application on a first computer system passing data having a first data type to a utility program and that the first utility program selects a transport mechanism

to transmit the information packet to a second computer system where the transport mechanism is transparent to the sending application. Claim 13 has been amended to recite that the sending application on a first computer system passes data having a first data type to a utility program and wherein the first utility program selects a transport mechanism to transmit the information packet to a second computer system where the transport mechanism is transparent to the sending application. Claim 21 has been amended to recite that the method of communicating between a source application and a destination application includes the step of passing data by the sending application and wherein the first utility program selects a transport mechanism to transmit the information packet to a second computer system. Claim 23 has been amended to recite that the sending application passes data to a utility program and that the utility program selects a transport mechanism to transmit the information packet to a second computer system.

The present invention, as recited in claims 1, 8, 13 and 21, is directed to a method and system for transporting data between two computer systems, where a utility program adds a token, a data category type identifier and a data type identifier to the data to form a packet. The packet is then transferred to the second computer system through a transport mechanism selected by the utility program and the transport mechanism is transparent to the sending program.

As stated above, Gai does not teach or suggest a utility program selecting a "transport mechanism to transmit said information packet to a second computer system, said transport mechanism transparent to the sending application." Gai is directed to a method for applying traffic flow controls to traffic originating from a certain network entity. Gai teaches that the application level parameters (i.e. parameters set by the underlying sending program) includes:

> ... a whole range of information relating to different aspects of the traffic flow from the application program 224. For example, application-level parameters include such information as user name (e.g., John Smith), user department (e.g., engineering, accounting, marketing, etc.), application name (e.g., SAP R/3, PeopleSoft, etc.), application module (e.g., SAP R/3 accounting form, SAP R/3 order entry form, etc.), transaction type (e.g., print), sub-transaction type (e.g., print on HP Laser Jet Printer), transaction name (e.g., print monthly sales report), sub-transaction name (e.g., print monthly sales report on A4 paper), application state (e.g., normal mode, critical mode, primary mode, back-up mode, etc.). For a video streaming application, the application-level parameters might include user name, film name, film compression method, film priority, optimal bandwidth, etc. Similarly, for a voice over IP application, the application-level parameters may

include calling party, called party, compression method, service level of calling party (e.g., gold, silver, bronze), etc. Gai column 10 lines 8-27.

These application level parameters essentially set the transport mechanism by which the data from a network entity is transmitted to other network entities. Therefore, Gai fails to teach or suggest a utility program selecting a "transport mechanism to transmit said information packet to a second computer system, said transport mechanism transparent to the sending application."

The shortcomings of Gai are not overcome by Fox. Fox is directed to an interface for sending updates to wireless network devices. However, Fox does not teach or suggest a utility program selecting a "transport mechanism to transmit said information packet to a second computer system, said transport mechanism transparent to the sending application.

Therefore, Applicant respectfully submits that any combination of Gai and Fox does not teach or suggest every claimed feature of the invention. The prior art reference (or references) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Since a prima facie case of obviousness has not been set forth, Applicant respectfully submits that independent claims 1, 8 and 13 and 21 are allowable over the cited references. Claims 2-5, 9-12, 14-18 and 22, by their dependency on claims 1, 8 13 and 21 respectively, are similarly allowable. Early notice to that effect is earnestly solicited.

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Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner enter the Amendment after Final and reconsider all presently outstanding rejections. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,

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Dated: March 29, 2006

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